

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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**SECURITIES AND EXCHANGE COMMISSION,**

**Plaintiff,**

**-against-**

**CR INTRINSIC INVESTORS, LLC,  
MATHEW MARTOMA,  
and  
DR. SIDNEY GILMAN,**

**Defendants, and**

**CR INTRINSIC INVESTMENTS, LLC,  
S.A.C. CAPITAL ADVISORS, LLC,  
S.A.C. CAPITAL ASSOCIATES, LLC,  
S.A.C. INTERNATIONAL EQUITIES, LLC,  
and  
S.A.C. SELECT FUND, LLC,**

**Relief Defendants.**

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**12 Civ. 8466 (VM)**

**MOTION TO DISBURSE FUNDS TO PAY TAX LIABILITIES**

The Securities and Exchange Commission (the “Commission”) respectfully requests that the Court enter an Order for the Clerk of the Court to disburse funds on deposit with the Court Registry Investment System (the “CRIS account”) to pay certain tax liabilities of the Distribution Fund in this case.

By orders dated June 18, 2014, the Court entered Final Judgments as to defendant CR Intrinsic Investors, LLC (“CR Intrinsic”)<sup>1</sup> (“Defendant”) and as to relief defendants CR Intrinsic

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<sup>1</sup> On November 21, 2012, defendant Sidney Gilman consented to the entry of a Final Judgment enjoining him from violations of Section 17(a) of the Securities Act of 1933 (“Securities Act”) and Section 10(b) of the Exchange Act

Investments, LLC, S.A.C. Capital Advisors, LLC, S.A.C. Capital Associates, LLC, S.A.C.

International Equities, LLC, and S.A.C. Select Fund, LLC (collectively the “Relief Defendants”)

pursuant to Rule 54(b) of the Federal Rules of Civil Procedure. Without admitting or denying

the allegations of the Complaint, the Defendant and Relief Defendants consented to pay

\$274,972,541 in disgorgement and \$51,802,381.22 in prejudgment interest on a joint and several basis to settle the Commission’s charges. CR Intrinsic also agreed to pay a onetime civil penalty of \$274,972,541.

On or about August 4, 2014, \$601,832,697.04 was paid to the Clerk of the Court by the Defendant and Relief Defendants and deposited into the CRIS account on August 6, 2014 (“the Distribution Fund”). The Distribution Fund constitutes as a Qualified Settlement Fund (“QSF”) under section 468B(g) of the Internal Revenue Code (“IRC”), 26 U.S.C. § 468B(g), and related regulations, 26 C.F.R. §§ 1.468B-1 through 1.468B-5. On January 26, 2015, the Court ordered the establishment of a fair fund for investor victims and appointed Damasco & Associates, LLP (“Damasco”) as tax administrator.

The Tax Administrator has determined that the Distribution Fund owes \$2,350 in federal tax liability for the first quarter of 2015. *See* Declaration of Jude P. Damasco in Support of Request to Make Tax Payment, dated March 27, 2015 (the “Declaration”), filed separately.

The Declaration has been reviewed by the undersigned Commission counsel who has no objections.

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and Rule 10b-5 thereunder. Gilman agreed to disgorgement of \$186,781 and prejudgment interest of \$48,087. Pursuant to the Final Judgment, the payments from Gilman were sent to the United States Treasury.

**WHEREFORE**, for all the foregoing reasons, the Commission respectfully requests that this Court enter the proposed Order and grant such other relief as it deems just and proper.

Dated: March 31, 2015

Respectfully submitted,

/s/ Susan S. Pecaro

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